IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4021 OF 2001

1. Balbhim Ajinath Hande
and anr. ...Petitioners.

V/s

1. The President, Ramdas
Kokate Shikshan Prasarak
Mandal and Ors. ...Respondents.

Mr. S.G. Kudle for the petitioners.
Mr. C.R. Sonawane, AGP for respondent Nos. 3 and 4.
Mr. Prashant P. Chavan a/w Vinay M. Bhate for
respondent Nos. 1 and 2.

CORAM: V.G. PALSHIKAR &
V.M. KANADE, JJ.

DATE : 5th June, 2006

P.C.:

1. By this petition, the petitioners contend that they have not been paid salary dues in spite of the fact that the petitioners have served the respondent's Management.

2. The affidavit-in-reply is filed by the Management, stating that payment as claimed by the petitioners is factually made. This averment in the reply affidavit is contested by filing rejoinder wherein it is contended that rules for payment of salary require the payment to be made only through the Co-operative Bank. The question whether such payment has been factually

made or not is a pure question of fact.

3. This petition, therefore, can be conveniently disposed of by directing the Deputy Education Officer, Zilla Parishad, Solapur to inquire and ascertain whether the factual payment of salary dues has been made by the Management as alleged or not. In the event of the Deputy Education Officer, Zilla Parishad, Solapur coming to the conclusion that the payment is not made, he will, thereafter, take appropriate measures for seeing that the payment is made to the petitioners. The respondent - Education Officer should do the needful as early as possible, preferably in three months.

4. Petition is accordingly disposed of.

(V.G.PALSHIKAR, J.)

(V.M. KANADE, J.)